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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of:

Masoud AFSARI

Plaintiff,

Michael Chertoff, Secretary Homeland Security
Emilio Gonzales, USCIS Director
David Still, District Director, DHS

Defendants

Civil #

A # 46 771 340

COMPLAINT FOR DECLARATION

OF NATURALIZATION UNDER

8 USC 1447 (b) AND 1421 (c)

Plaintiff, by his Attorney, alleges the following complaints against Defendants:

1. Plaintiff is an individual and resident of the United States who resides within the jurisdiction of his Court. Plaintiff's claim to naturalization arises under 8 USC Section 1447 (b) and Section 1421 (c);
2. Defendant, Michael Chertoff, is the Secretary of the Department of Homeland Security, Emilio Gonzalez is the Director of the Bureau of Citizenship and Immigration Service of the DHS and David Still is the District Director of the San Francisco District. Defendants are used herein in their official capacities;
3. Defendants are responsible for processing and granting or denying naturalization applications filed within this district pursuant to 8 USC Section 1421. 8 USC 1427, 8 CFR Section 103.1 (g) (2) (ii), 8 CFR Section 310.2 and 8 CFR Section 316.3;

4. this Court has jurisdiction of this action pursuant to 8 USC Section 1447 (b), 8 USC 1421 (c), 28 USC 2201 and U.S. V. Hovsepian, 358 F.3d 1144-1160 (9th Cir. 2004) which gives this Court jurisdiction to examine the merits of Plaintiff's naturalization, so long as he has already completed his citizenship interview;
5. On or about January 28, 2005, the Plaintiff filed his application for naturalization with CIS at the California Service Center;
6. On or about July 28, 2005, the Plaintiff had an interview and passed the tests of English and U.S. History and Government at the Oakland CIS office;
7. No decision, whatsoever, has been made by Defendants since Plaintiff's citizenship interview on or about July 28, 2005;
8. Plaintiff asks this court to review her application for naturalization *de novo* under 8 USC Section 1447 and 1421 (c) since more than 120 days have passed with no action taken by Defendants;
9. Plaintiff has exhausted all administrative remedies;
10. Plaintiff requests a judicial determination of his naturalization application and a declaration that he is entitled to be naturalized as a citizen of the United States.

WHEREFORE, Plaintiff prays that this Court will render a declaratory judgment that his is entitled to be naturalized; and that this Court will grant further relief as may be just, lawful and equitable to the premises including court costs and reasonable attorney fees.

Respectfully Submitted,

Jeff Griffiths, Esq.
Attorney for Plaintiff

June 5, 2007

CERTIFICATE OF SERVICE

I, Farnoush Saffarpour, herby certify that the foregoing was sent via either first class mail or in person to the following addresses on June , 2007:

United States District Court
Northern District of California
450 Golden Gate Avenue
16th Floor, Room # 161111
San Francisco, CA 94102

Attorney General
950 Pennsylvania Avenue
Washington D.C. 20530

ATTENTION: Processing Clerk
U.S. Attorney's Office
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94102

Department of Homeland Security
630 Sansome Street, Suite# 1080
San Francisco, CA 94111

Farnoush Saffarpour